

2013 Design Expo

Utilities Coordination

- Tom Bane State Utilities Engineer

DISCLAIMER

What is considered

a utility?
A description of things that some authority has control over.

Different authorities control different things.

Rule Of Thumb for FDOT.

Anything in the R/W that is:

Not owned by FDOT, Not access, Doesn't dump water on the R/W, and is Not Temporary.

Typical Utilities

Public

Potable Water
Sanitary Sewers
Storm Sewers
Street lights
Electricity
Gas
Oil

Private

Electricity
Gas
Oil
Telephone
Cable TV
Internet

Other

Fence lines
Ditches
Conveyors
Coolants
Fuel line
Structures

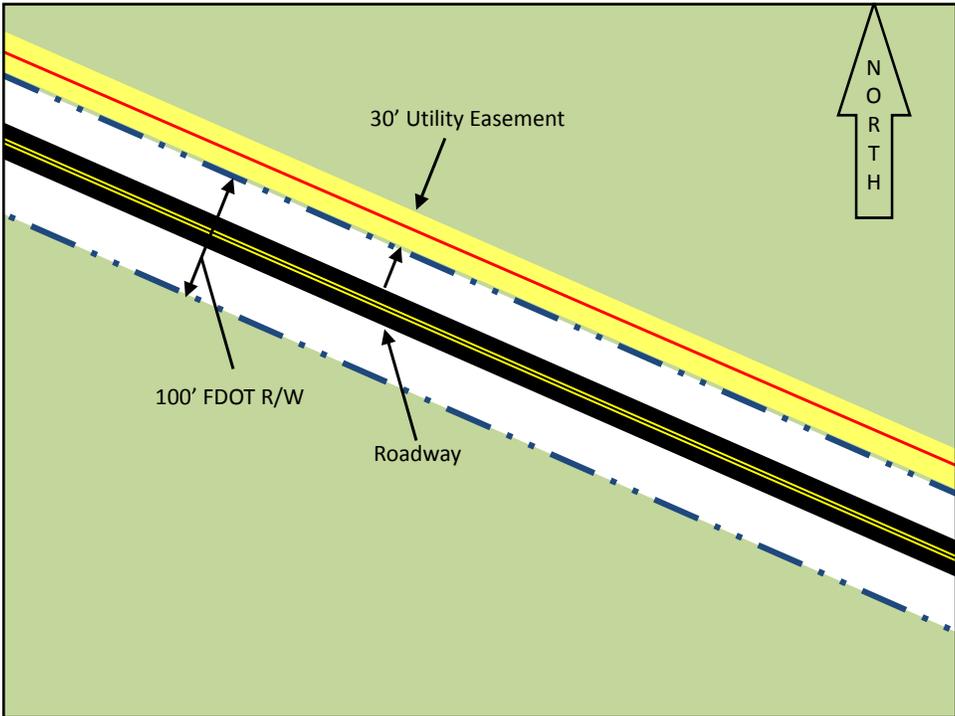
Things that are not utilities

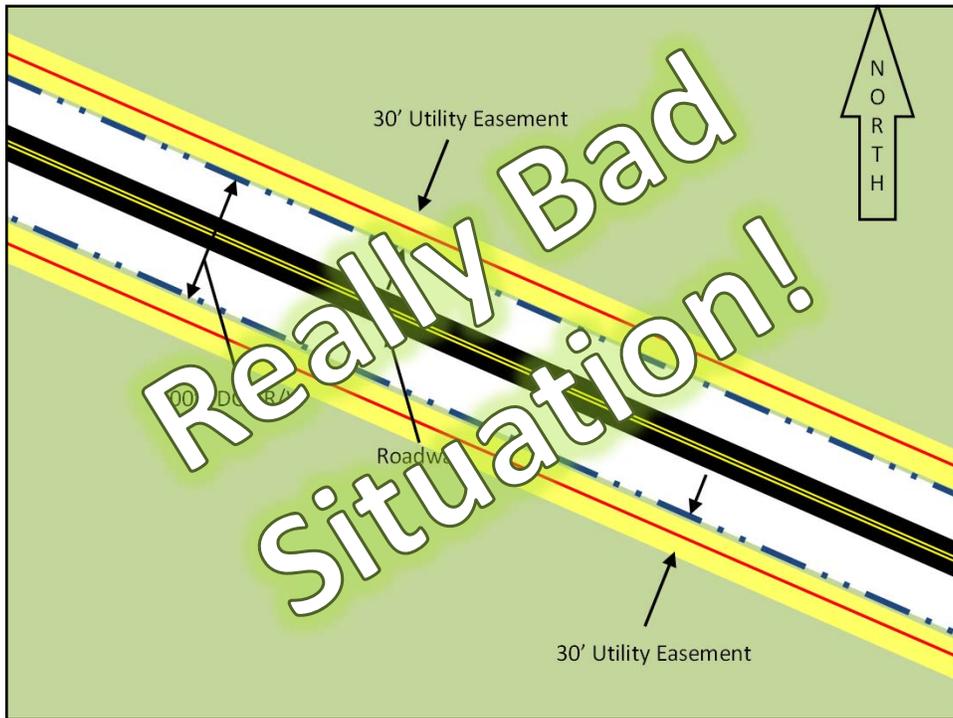
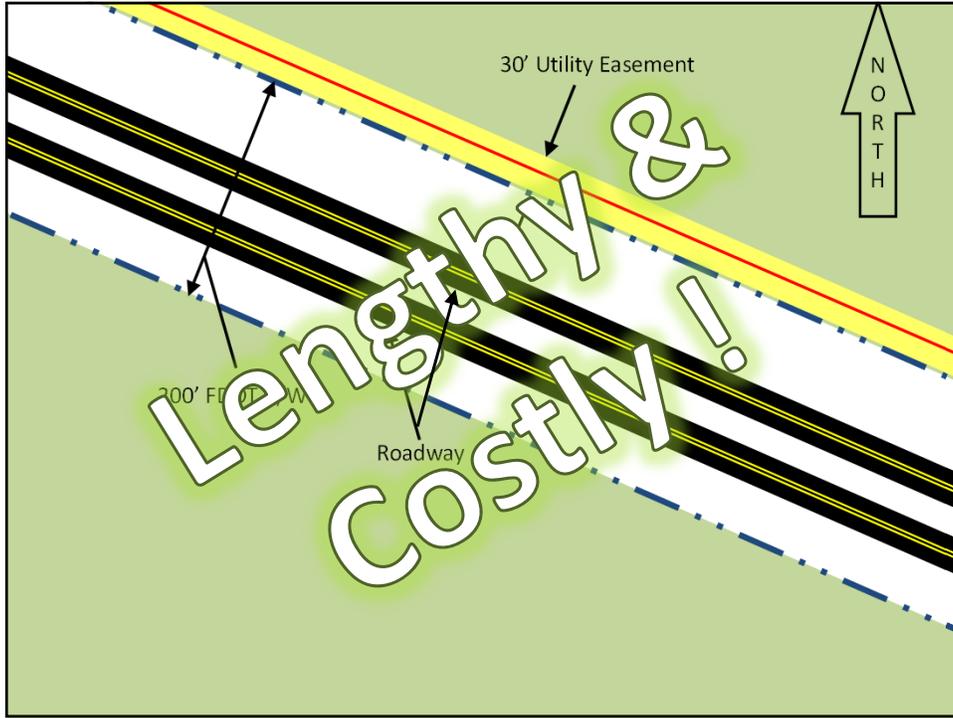
Drainage pipes	Highway Fence lines
FDOT service lines	High mast lighting
ITS lines	Landscape Sprinklers
Traffic Signals poles	Red-light cameras
Payphone booths	Rest area water/sewer
Customer service lines	Driveways

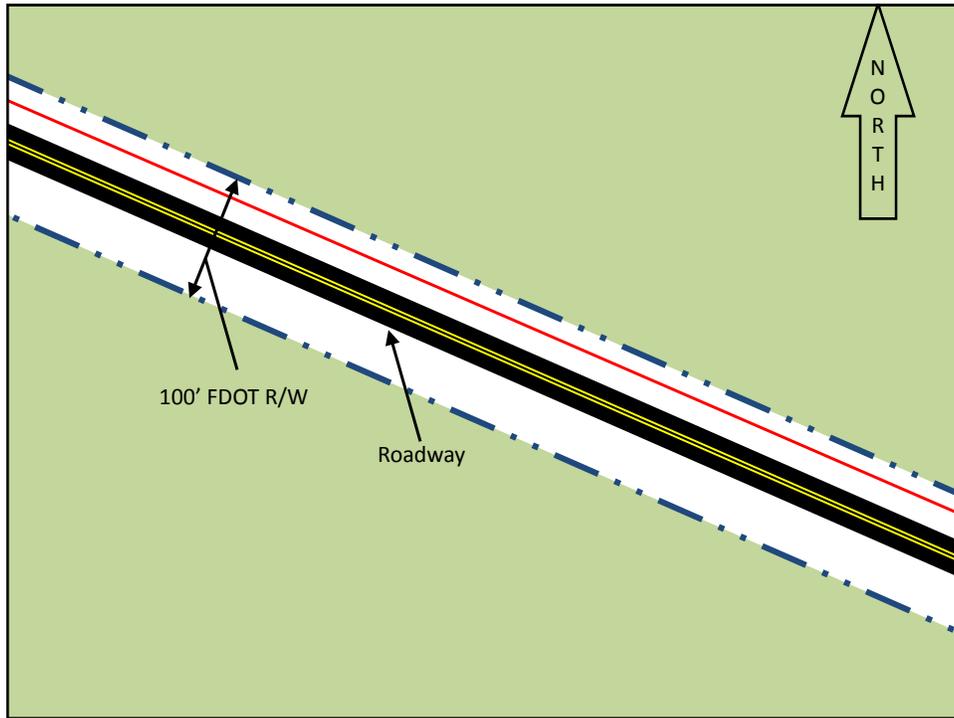
Why do we allow utilities on the R/W in the first place?



OK, let them cross!
But, why do we
allow utilities to run
longitudinally in the
R/W?







OK, we have to let
them in the R/W,
But,
how do we work
with them?

Instruments used when working with utilities.

Agreement: •Freely entered
•May be unilaterally vacated
•Can't order someone into agreement.

Contract: •Payment for services
•Cannot be vacated unless both agree.
•Must fulfill the contract.

Rule: •Chapter 120 F.S. and Chapter 14-46 F.A.C.
•Allows those governed a voice.
•Can be required without individual agreement.

Regulation: •Chapter 120 F.S. And the PSC not FDOT
•Allows those governed a voice.
•Governs where, when, who and how much services are provided.

Order: •Directs one party to do something without agreement.
•Must have statute authority
•Must be reasonable.

License: •Grants a party permission, not a right.
•Conditions established by Rule.
•Can be granted by silence.

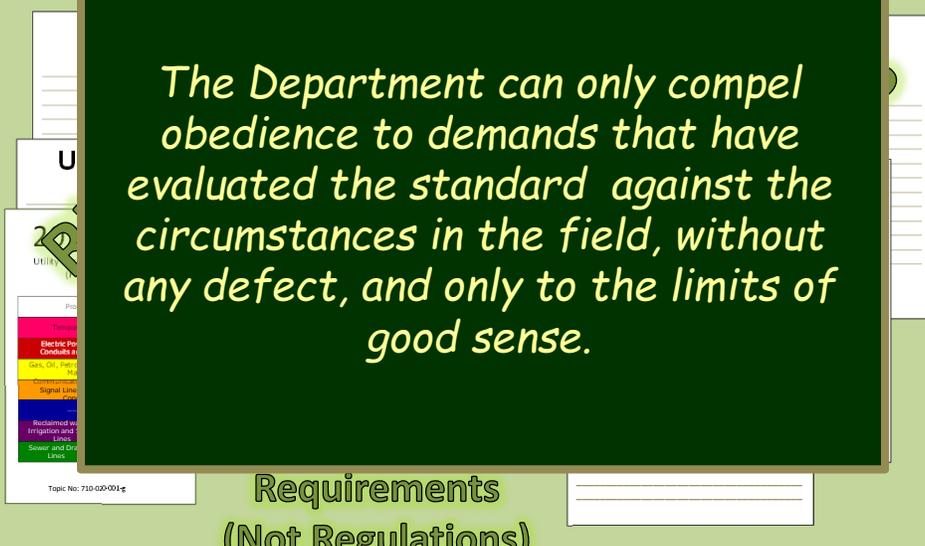
Documents used by FDOT when dealing with utilities.

Florida Statutes 327.401 - 327.404

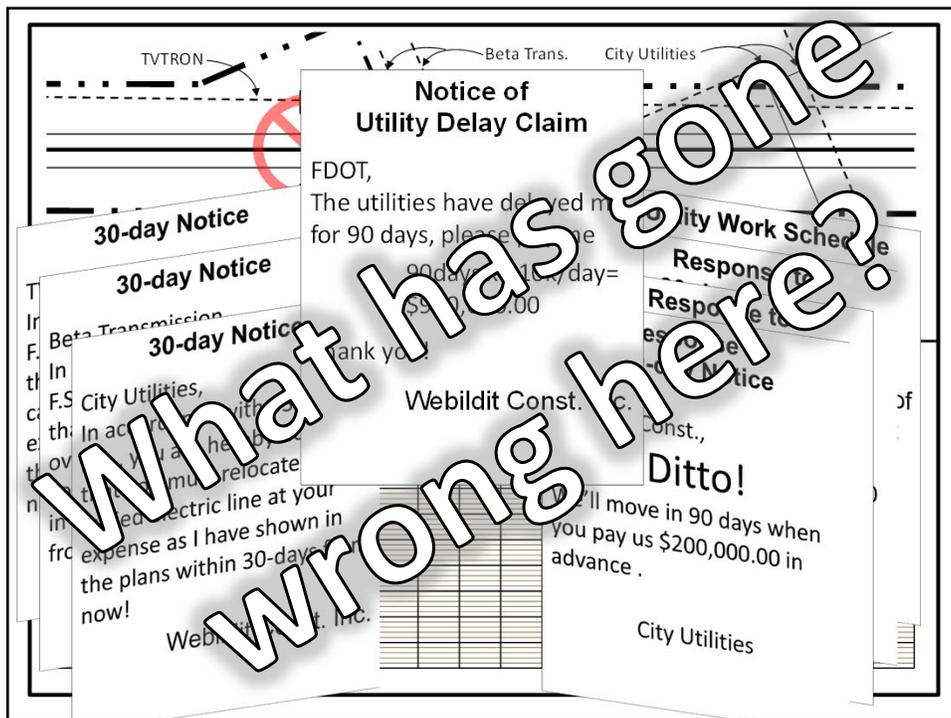
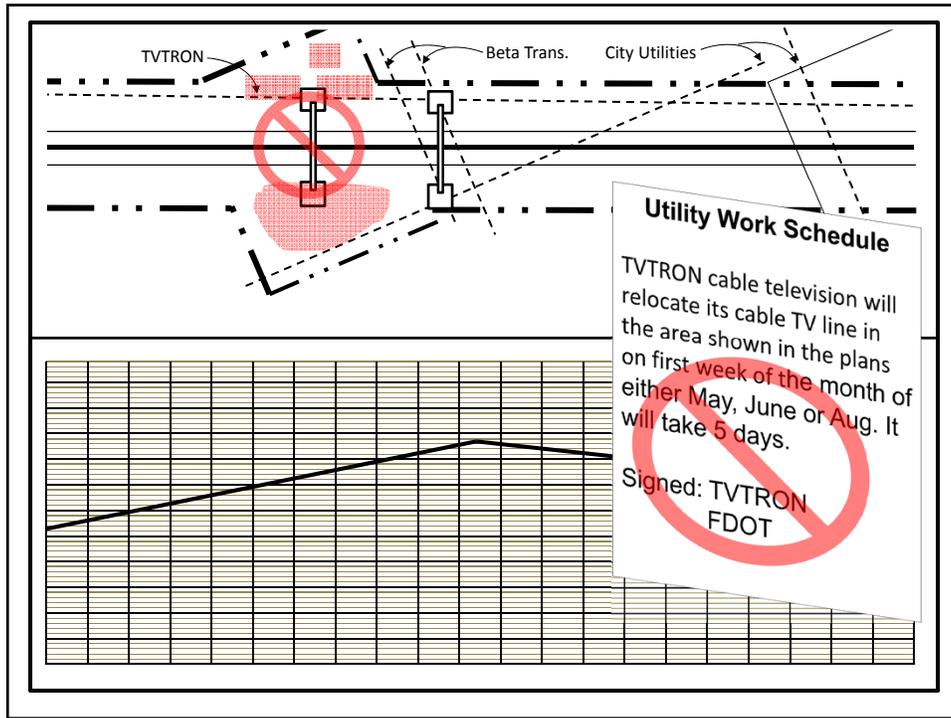
Florida Statutes 324.044

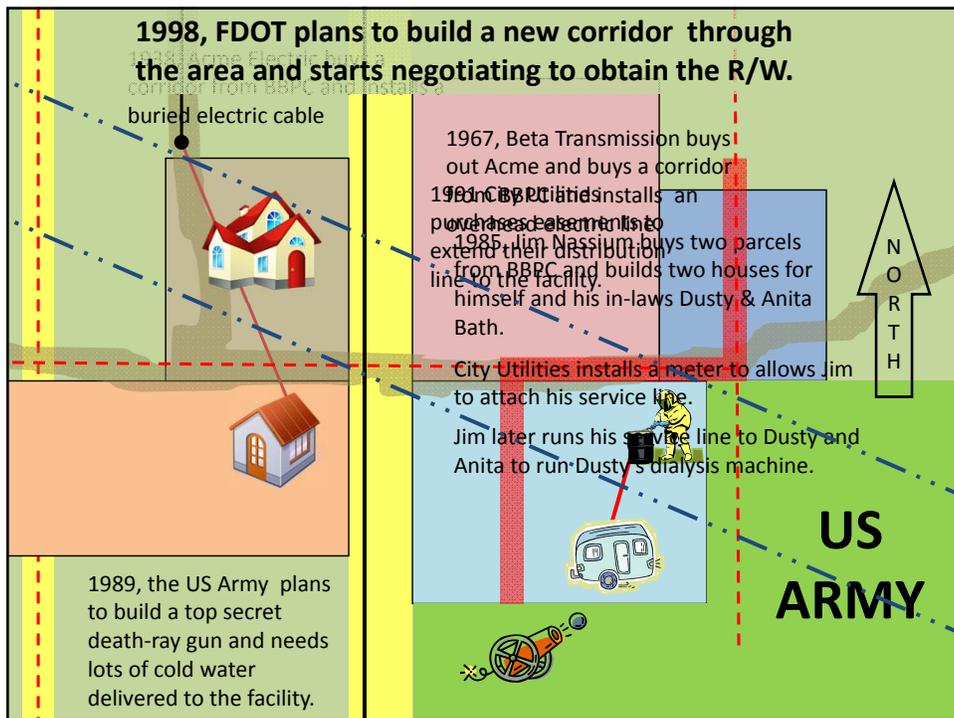
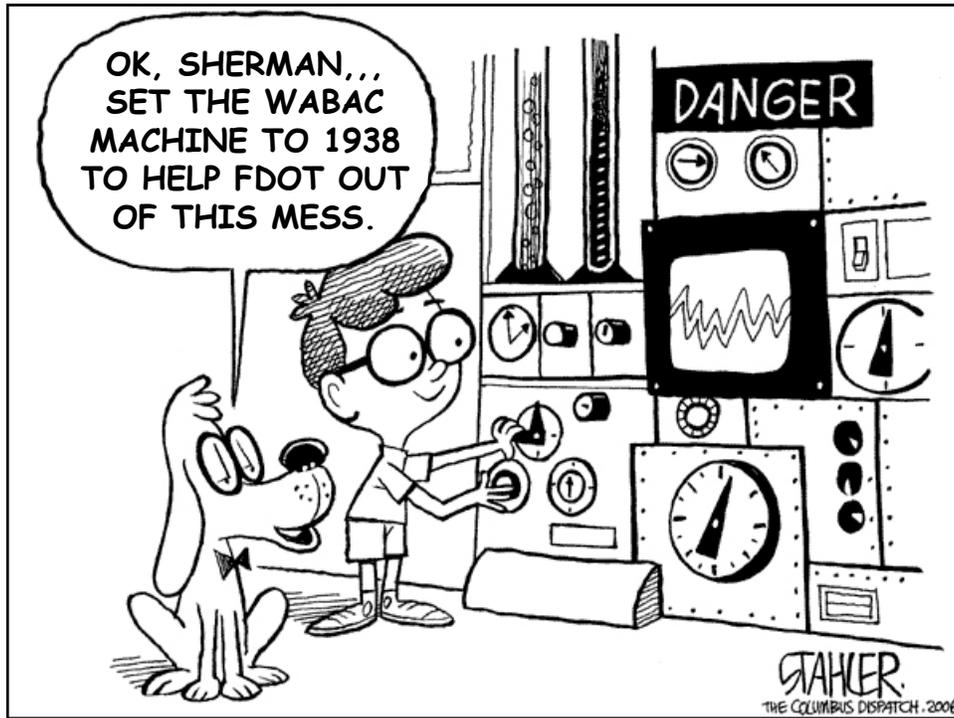
The Department can only compel obedience to demands that have evaluated the standard against the circumstances in the field, without any defect, and only to the limits of good sense.

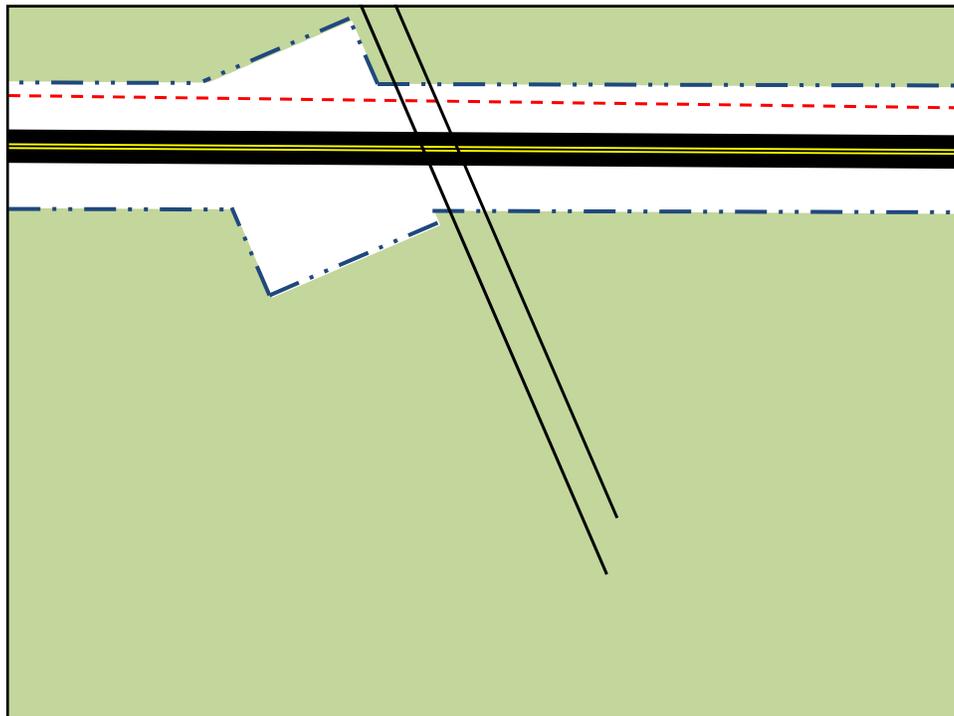
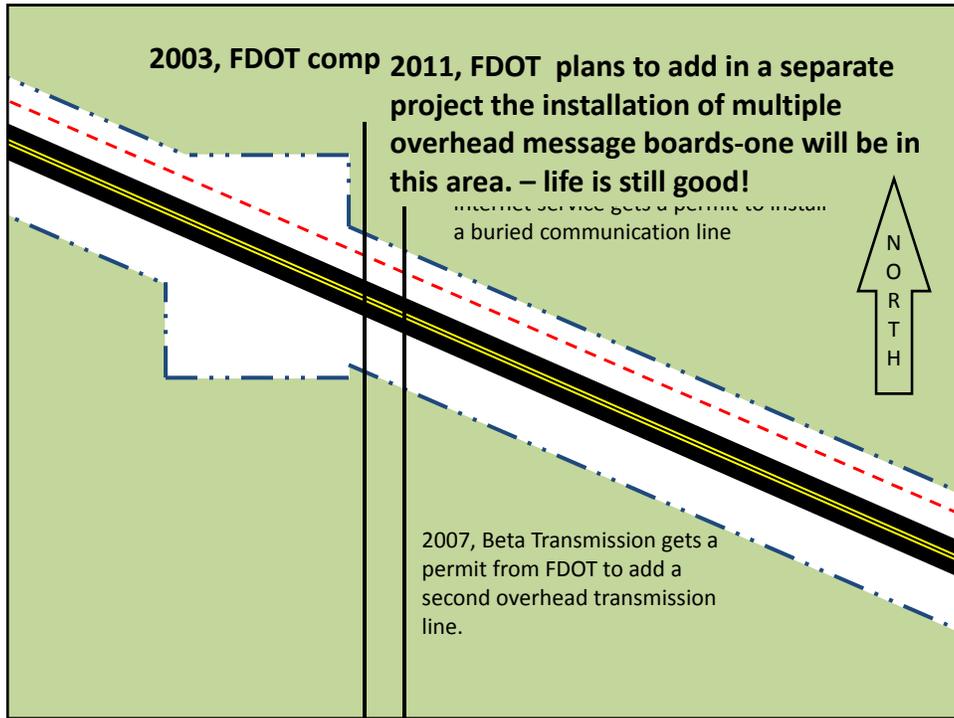
Requirements (Not Regulations)

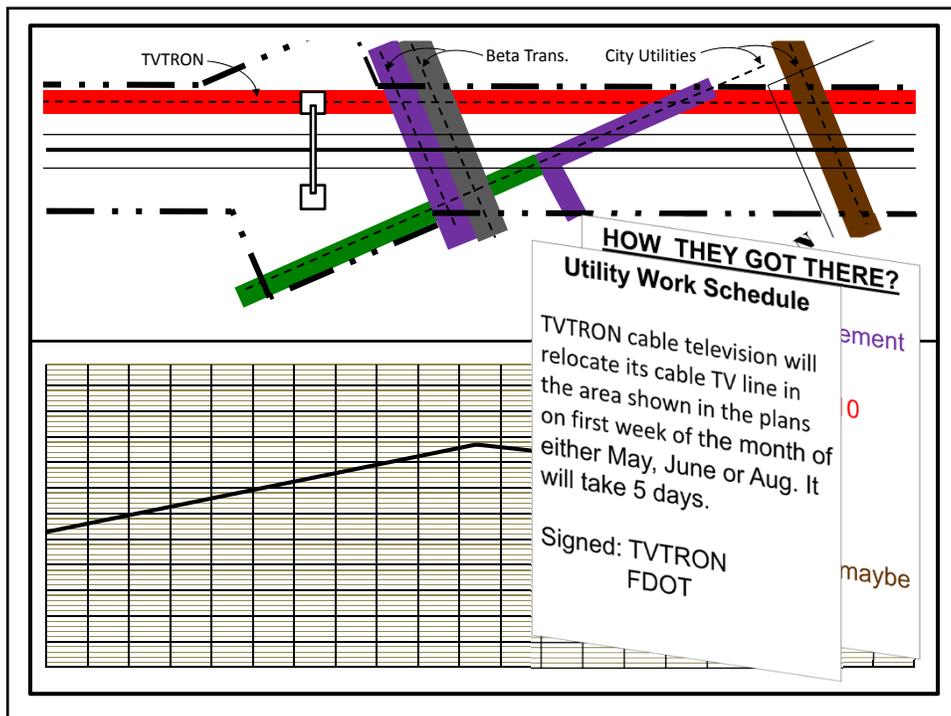
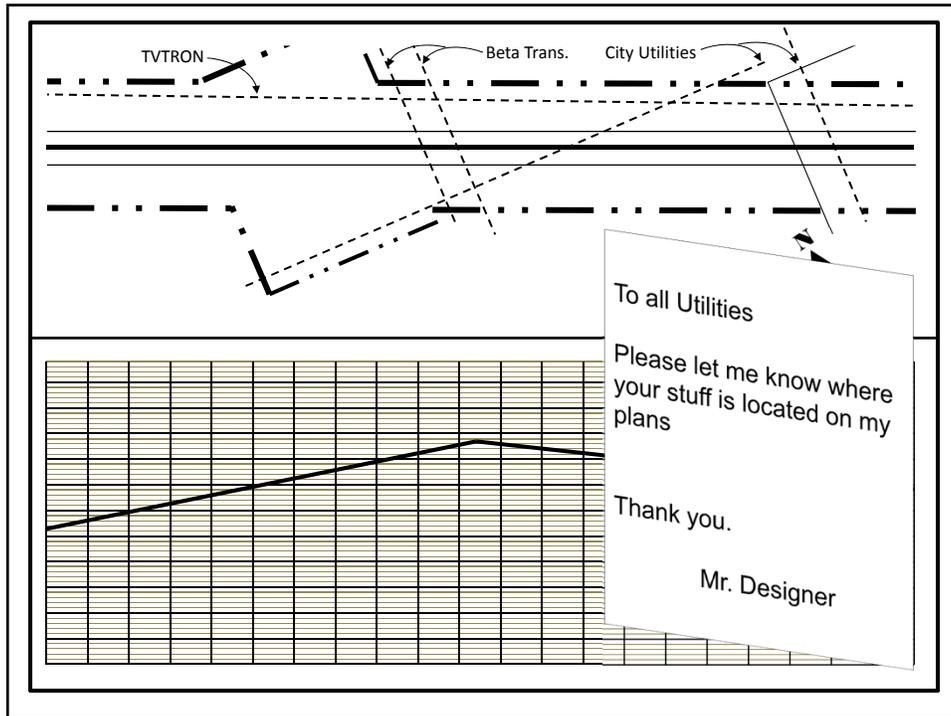


With so many instructions. How could things ever go wrong.









The diagram shows a cross-section of utility lines. A yellow diagonal strip on the left represents a road. Three utility lines are shown: TVTRON (top), Beta Trans. (middle), and City Utilities (bottom). A dashed line indicates a deactivated electric line. A black arrow points to the right.

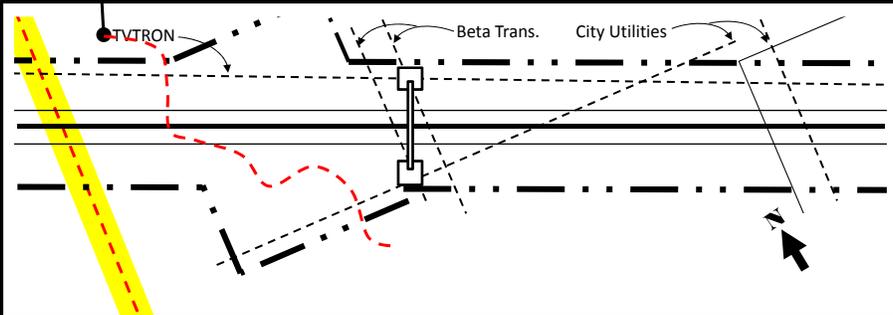
The contractor will find a deactivated electric line. And it will take some time for them to figure out it belongs to Beta Electric.

Beta Electric will later produce title to the property and demand compensation for the road being on their property in addition to the relocation costs

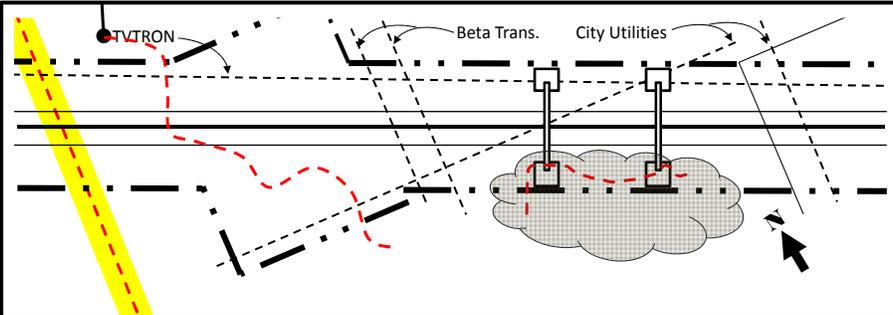
The diagram shows a cross-section of utility lines. A yellow diagonal strip on the left represents a road. Three utility lines are shown: TVTRON (top), Beta Trans. (middle), and City Utilities (bottom). A red dashed line indicates an active electric line. A black arrow points to the right.

The contractor will find an active electric line and won't immediately know it goes to Dusty's dialysis machine, and it will take some time to figure out who it belongs to.

FDOT will claim it belongs to City Electric. City Electric will claim their line stopped at the meter. Dusty is too sick to respond, so his lawyer claims that FDOT owns the line and should have paid the City to move the meter for Mr. Bath. He also tags on a Tort claim for Mr. Bath's sudden down turn in health due to the contractors illegal and harassing letters.

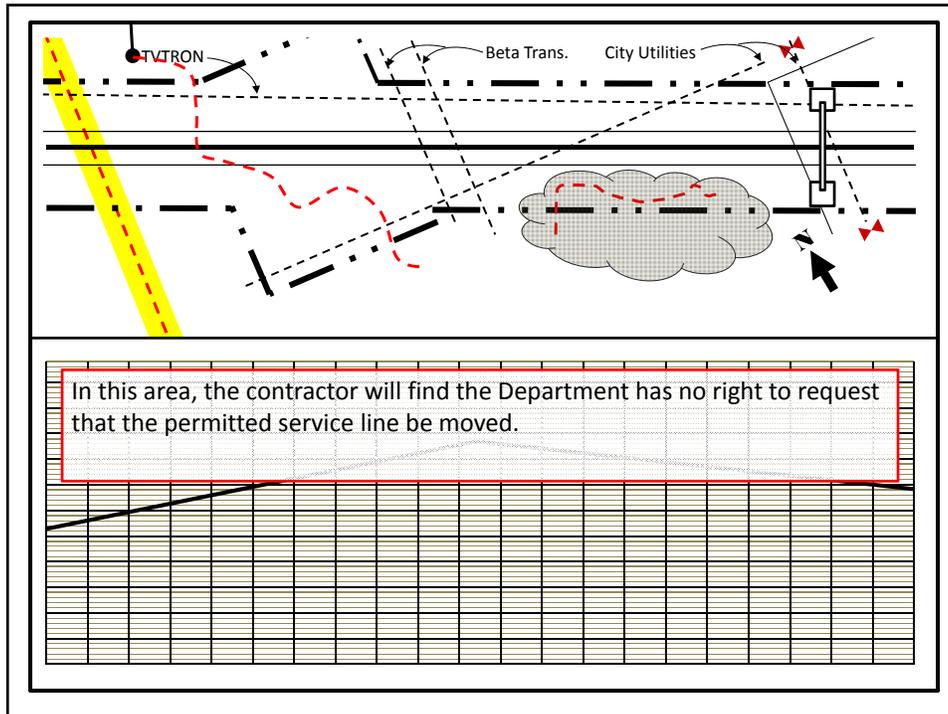


In this area, the contractor will find the utilities unwilling to relocate without being paid in advance. FDOT has no authority to order the utility to relocate at their expense.



In this area, the contractor will find a mysterious pipe and some smelly goo. They immediately think it is some kind of military nerve agent and quickly abandon the site.

FDOT will have to determine what the goo is and what has to be done.



FAQ

Why do we let utilities cross our R/W?

It would be impossible to provide utility services.

FAQ

What advantage does FDOT get for having utilities permitted longitudinally in the R/W?

It aids expansion and lowers costs.

FAQ

Can FDOT order utilities to relocate at their expense?

It depends.

FAQ

Do utilities have property rights when on FDOT R/W?

It depends.

FAQ

Can FDOT order a utility to enter into Subordination Agreement?

No.

FAQ

Can FDOT order the utilities to agree to be bound by requirements not in Rule 14-46 or the UAM?

Generally not.

FAQ

Can a utility enter into an agreement that binds the utility to requirements not in Rule 14-46 or the UAM?

Yes.

FAQ

What is the most common answer to all utility questions?

"It depends."

Less Frequently
Asked Questions

Yours!